

IN RE: LQD MEETING

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1                   BEFORE THE LAND QUALITY ADVISORY BOARD

2                                   STATE OF WYOMING

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4   IN RE: LQD MEETING

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7                   TRANSCRIPT OF RECORDED MEETING PROCEEDINGS

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10                   PURSUANT TO NOTICE duly given to all parties  
11   in interest, this matter came on for recorded meeting on  
12   the 9th day of February, 2016, at the hour of  
13   approximately 10:00 a.m., at Casper College, Gateway 225  
14   Conference Room, 125 College Drive, Casper, Wyoming,  
15   before the Land Quality Advisory Board, Chairman  
16   Jim Gampetro, presiding, with Mr. Phil Dinsmoor,  
17   Ms. Natalia Duncan-Macker and Mr. John Hines.

18                   Mr. Kyle Wendtland, Land Quality Administrator;  
19   Mr. Craig Hults, Senior Environmental Analyst;  
20   Mr. Ryan Schierman, Uranium Program Manager; and  
21   Ms. Eva La, Attorney General's Office.

22                   Ms. Dawn Kolkman and Mr. Mike Thomas were also  
23   in attendance.

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1 P R O C E E D I N G S

2 (Recorded meeting proceedings commenced  
3 10:00 a.m., February 9, 2016.)

4 CHAIRMAN GAMPETRO: Okay. Jim Gampetro  
5 here. We will open the meeting. And I'd like to welcome  
6 everybody, and thank you for coming, such as it is. Pretty  
7 thin crowd this time.

8 Let's go around and everyone introduce  
9 themselves.

10 Natalia, do you want to start?

11 BOARD MEMBER MACKER: Natalia Macker,  
12 public representative from Teton County.

13 CHAIRMAN GAMPETRO: Jim Gampetro, public  
14 representative from Johnson County.

15 BOARD MEMBER HINES: John Hines,  
16 agriculture representative from Campbell County.

17 BOARD MEMBER DINSMOOR: Phil Dinsmoor,  
18 industry representative from Crook County.

19 MR. WENDTLAND: Kyle Wendtland,  
20 Administrator of Land Quality.

21 MR. SCHIERMAN: Ryan Schierman, program  
22 manager, uranium recovery.

23 MS. LA: Eva La with the Attorney General's  
24 Office.

25 MS. KOLKMAN: Dawn Kolkman with Uranerz

1 Energy Corporation.

2 MR. THOMAS: Mike Thomas, Cameco.

3 MR. HULTS: And Craig Hults from Land  
4 Quality Division.

5 CHAIRMAN GAMPETRO: Okay. Has everybody  
6 had an opportunity -- this is Jim Gampetro again. Everyone  
7 had an opportunity to review the minutes from the last  
8 minute -- meeting?

9 BOARD MEMBER MACKER: Yes.

10 CHAIRMAN GAMPETRO: Okay. I would  
11 entertain a motion to approve those minutes.

12 BOARD MEMBER HINES: Motion to approve.

13 BOARD MEMBER MACKER: Second.

14 CHAIRMAN GAMPETRO: It's been moved and  
15 seconded. All those in favor, signify by saying aye.

16 BOARD MEMBER MACKER: Aye.

17 BOARD MEMBER DINSMOOR: Aye.

18 BOARD MEMBER HINES: Aye.

19 CHAIRMAN GAMPETRO: Any opposed?

20 The minutes are approved.

21 We're ready for the update on the Chapter 14,  
22 Coal Rules and Regulations.

23 MR. HULTS: Not a whole lot to update. We  
24 do have -- this is Craig Hults -- an EQC hearing on  
25 March 2nd. The two public notices have gone out. I don't

1 believe we've received any comments at this point. I'm  
2 hoping it will be pretty straightforward. The meeting  
3 will be held in the Herschler Building, and that begins at  
4 9:00 a.m. on March 2nd.

5 The hope is that we'll get that through quickly,  
6 and I don't foresee much of a discussion about this one,  
7 since we've done the noncoal version already, so we shall  
8 see.

9 CHAIRMAN GAMPETRO: Okay. Who's going to  
10 make the presentation? Jim here, again.

11 MR. WENDTLAND: Jim, Carol and Craig will  
12 make that presentation, Carol Bilbrough and Craig Hults.  
13 And then we will also have two of the technical staff  
14 joining us that were largely involved with crafting that  
15 language.

16 Unfortunately, I do have a conflict at that time,  
17 and I will not be able to attend, Chairman.

18 CHAIRMAN GAMPETRO: Okay. Are we ready for  
19 Ryan?

20 MR. HULTS: I believe so. Yeah.

21 CHAIRMAN GAMPETRO: Okay. Ryan.

22 MR. SCHIERMAN: Do you want to say anything  
23 before, Kyle, or --

24 BOARD MEMBER WENDTLAND: Sure. Chairman,  
25 would it -- Chairman, I'd like to introduce that -- this

1 next topic a little bit, if that would be appropriate.

2 This is Kyle.

3 CHAIRMAN GAMPETRO: Go ahead, Kyle.

4 MR. WENDTLAND: Ryan will be providing the  
5 primer here today. And as we've discussed, we're on a  
6 schedule here that we want to try and maintain. We know  
7 that these first two chapters that you'll see, we really  
8 can't bring to the board to vote on until after the  
9 legislative session because the statute language providing  
10 the authorities to move forward with this has to be  
11 approved with this legislative session. So that will be a  
12 little bit of a delay in the start, though we did want to  
13 get these rules moving and get them in front of the board  
14 and in front of the public as soon as possible.

15 Basically, it will allow a little more time on  
16 these first couple of chapters. Then we are still looking  
17 to move forward with that every six-week process and bring  
18 the chapters that are ready to this board to be able to  
19 move them forward. So just as a little bit of a precursor  
20 in planning that we're sticking with that agenda.

21 We will discuss the -- the other board meeting  
22 that will be coming with all three boards potentially at  
23 the end of this quarter, first of next quarter, later in  
24 the agenda.

25 So with that, I'll turn it over to Ryan to work

1 through this primer. And please ask questions. This is  
2 all a little bit new for everybody, but feel free to ask  
3 questions. And Ryan is extremely knowledgeable. And we  
4 have Eva here as well, if there's legal questions we need  
5 to address.

6 Thank you, Chairman.

7 MR. SCHIERMAN: Okay. So I'll turn it  
8 over -- I'll take over from here, I guess.

9 First thing, like I was telling you guys before,  
10 we did provide you guys quite a bit of information. We  
11 don't expect you to read all that information, but it's  
12 there for your benefit. If you have questions in regards  
13 to the items, you can look up items, et cetera, et cetera.

14 The way that we're proposing a lot of these rules  
15 is by the incorporation by reference. And so we'll be  
16 incorporating, you know, federal regulations, the 10 CFRs.  
17 And so a lot of bulk of this material is those actual  
18 incorporated by reference 10 CFRs. So if you have an  
19 individual question over that, you can look within the  
20 10 CFR rather than looking online and trying to find that  
21 actual reference. So you should have everything you need  
22 in this binder.

23 Because this is kind of a new topic for the State  
24 of Wyoming, we do encourage you guys, as we go forward,  
25 that we -- that you ask as many questions as you can. Some

1 of us -- some of the terms in here are jargon that are very  
2 specific to the industry, and there's reason why that  
3 jargon's the way it is. A lot of it sometimes, even as you  
4 go through the definitions, may not make sense, right? It  
5 maybe doesn't sound right grammatically, but because of the  
6 history on some of the items, sometimes we're tied on those  
7 definitions, okay?

8           What I wanted to kind of do real quick is kind of  
9 go over the history so you know what our intent is, as far  
10 as the State of Wyoming, in assuming this agreement with  
11 the NRC. And so that's kind of what we'll go through with  
12 this PowerPoint. And then once we're through with that, I  
13 kind of want to go through your binder, what is actually in  
14 here, go over the individual pieces and what will be  
15 required by the advisory board.

16           So the authority for the NRC -- so -- and when I  
17 say NRC, I say Nuclear Regulatory Commission. So I'll  
18 probably just refer to it as NRC, but that's what I mean is  
19 the Nuclear Regulatory Commission.

20           Their power was originated from the Atomic Energy  
21 Act of 1954. Through that Atomic Energy Act, there was a  
22 provision they could relinquish authority to the states,  
23 right, to govern those radioactive materials within their  
24 own state, okay?

25           It's important to recognize that this is a

1 relinquish of that authority. It's not necessarily a  
2 partnership, but they actually give you -- you are the  
3 authority in that part, okay?

4           The Section 274 of this Atomic Energy Act  
5 outlines a couple of materials that they can give authority  
6 to the states. One would be byproduct material defined as  
7 a Section 11e(1), which is basically any radioactive  
8 material made radioactive by exposures to the process of  
9 producing or utilizing special nuclear fuel. So basically,  
10 as they're in the process of making nuclear fuel, they're  
11 going to create these -- radioactive material, and its a  
12 byproduct of it, if you will.

13           The other one that I didn't put up here as well  
14 is 11e(3) and 11e(4), which would be like an accelerator-  
15 produced byproduct, but we're not going to worry about  
16 those. What we're interested in is the second item, which  
17 would be byproduct material as defined in Section 11e(2),  
18 which is going to be tailings or waste from the extraction  
19 of uranium or thorium. And this definition is really  
20 important and kind of governs how NRC has handled this  
21 scope of material that we're trying to take.

22           If you go through the agreement, we, as a state,  
23 want to take authority over the uranium and recovery  
24 operations in the state. And as part of that, one of the  
25 products is this byproduct material, 11e(2). And then the



1 other one in Number 3 is the source material.

2           And when we talk about byproduct, it's -- it's  
3 one of the weirder definitions you'll see because it's an  
4 intent-based definition. You only create 11e(2) byproduct  
5 material if your primary purpose is exacting uranium or  
6 thorium.

7           If you are extracting a different mineral, per  
8 se, and you -- as a byproduct or a waste from that, you  
9 create, let's say, thorium or uranium from that, that is  
10 not considered an 11e(2) byproduct material. It's solely  
11 on your primary intent. Does that make sense? And so it's  
12 kind of a weird item.

13           Question? Go for it.

14           BOARD MEMBER DINSMOOR: Yes, Phil Dinsmoor.

15           Does that mean that this rare earth project  
16 that's been proposed up in the northeast corner of the  
17 state would not have an 11e(2) -- would not fall subject to  
18 11e(2) regulation?

19           MR. SCHIERMAN: Correct in saying that.

20           So basically -- so he brings up a question that  
21 we get asked a lot. You know, how does that happen? So  
22 that everybody's on board, rare earth minerals, right,  
23 they're looking for rare earth. That's their primary  
24 objective, right? They will create a side stream of  
25 thorium, okay? And that side stream is not necessarily

1 considered 11e(2) because they're not initially going after  
2 the uranium or thorium, okay? So it's not considered  
3 byproduct material.

4 The other caveat to that, though, is that  
5 thorium, if it's in a certain concentration, will be  
6 considered source material, which would be governed under  
7 the NRC still, but it wouldn't be under our jurisdiction  
8 because we're looking at just the source material from  
9 recovery or milling. And we'll get into that, okay?

10 So we're purposely trying to exclude rare earth.  
11 We don't want to necessarily be involved in that arena.

12 Okay. So -- yeah.

13 BOARD MEMBER DINSMOOR: As long as I'm  
14 interrupting --

15 MR. SCHIERMAN: Yeah.

16 BOARD MEMBER DINSMOOR: -- could I ask  
17 another question?

18 MR. SCHIERMAN: Yep.

19 BOARD MEMBER DINSMOOR: The relinquishment  
20 of authority by NRC, it sounds different. And maybe this  
21 question goes to Kyle.

22 MR. SCHIERMAN: Uh-huh.

23 BOARD MEMBER DINSMOOR: It sounds different  
24 than the primacy granted by OSM under SMCRA, for example.  
25 Am I -- am I understanding that correctly?

1                   MR. WENDTLAND: It is a little different,  
2 but it is essentially -- the way to look at it would be a  
3 primacy, but it is a little different in the aspect of how  
4 that is transferred to the state, that is correct.

5                   BOARD MEMBER DINSMOOR: Will there be --  
6 will the State have flexibility to operate and to alter the  
7 way they operate over time without NRC approvals, or unlike  
8 the coal industry, where changes are subject to OSM  
9 approval before --

10                  MR. WENDTLAND: Board Member Dinsmoor, I'm  
11 going to let Ryan answer that because we've been through  
12 this, and I think Ryan probably has the best way to answer  
13 that question.

14                  MR. SCHIERMAN: So the way that NRC engages  
15 a program is they use two words. It's compatibility and  
16 adequacy, okay? They'll come through -- and we'll get into  
17 this in the presentation a little more. They look at your  
18 program to make sure those critical items that have  
19 transboundary effects are compatible with those NRC  
20 requirements. We'll go into a little more what that means.  
21 And the other thing, it would be adequate.

22                  Now, there's certain items that the State is free  
23 to -- it's free to regulate the way that they see fit for  
24 their state, right? There's certain items -- you know, and  
25 we'll go into this, and you'll have some tables in here

1 that we'll refer you to, that it's pretty black and white.  
2 You have to have this word for word, or this item, the  
3 State's free to do with how it will.

4           And the way that it works, when we send this  
5 agreement into the NRC, we have this final agreement, they  
6 go through these items, they determine we're compatible and  
7 adequate. At that point, we then go under what is a three-  
8 year rotation for MPAPs. And an MPAP is basically an  
9 audit, if you will. NRC will come in for an MPAP review  
10 and basically review your regulations, changes to your  
11 program, your training, your personnel, and determine if  
12 you're still compatible or adequate.

13           Does that make sense?

14           BOARD MEMBER DINSMOOR: Thank you.

15           MR. SCHIERMAN: So that's kind of the  
16 process we'll go, and we'll touch a little more, and those  
17 themes will be kind of reoccurring.

18           Give you a little more background, too, unless  
19 there's other questions, but I'll keep going until I see  
20 hands raised, if that works.

21           That Atomic Energy Act was amended through the  
22 Uranium Mill Tailings Radiation Control Act. It will be  
23 referred to -- you'll hear it referred to as UMTRCA of  
24 1978. Basically, what was going on at this point is  
25 mill -- mill tailings were not really regulated as well.

1 If you go back in the history, you can look at like  
2 Grand Junction, for example. They were using like mill  
3 tailings for constructions of housing and road base, things  
4 like that. And they realized there was a problem. They  
5 needed to regulate this material, and that's where the  
6 UMTRCA came in, and that's where they created this  
7 definition for 11e(2).

8 The other thing that they did at this point  
9 because of this regulation -- there wasn't regulation  
10 before, and this is -- I think this is pretty similar, and  
11 this is an area I'm not as familiar with, but SMCRA kind of  
12 has a similar thing. There was a deadline or a day that if  
13 you're before this time period, you fall under this,  
14 federal would take care of the cleanup, et cetera, et  
15 cetera. If you're after this day, the operator was in  
16 charge of it.

17 Am I correct in that, kind of with SMCRA a little  
18 bit?

19 BOARD MEMBER DINSMOOR: Sort of.

20 MR. SCHIERMAN: Okay. So, anyway, that's  
21 what happened with this, they created this date, right, and  
22 they said any site before this, the federal government will  
23 clean up and be responsible for the cleanup because we  
24 didn't have the regulations. After this time, it's going  
25 to be the Title II sites, and that's what -- you know, we

1 still have some of those Title II sites in Wyoming at this  
2 point, okay? Just background information, as far as you  
3 guys go.

4           Some of the items that the NRC cannot relinquish,  
5 that they retain authority over, would be federal  
6 facilities, commercial nuclear reactors, research reactors,  
7 exports, imports, disposal, and ocean high-level waste  
8 handling, offshore waters, and eventually, at the very end,  
9 you know, closure of sites. When we're, you know, going to  
10 close a site, they have final sign-off ability on this --  
11 on those sites, okay?

12           It is important that -- this is important because  
13 you'll see in our regulations it is required that we list  
14 out these exemptions in places. That we say, you know, if  
15 there's like a DOE facility within our state, we'll exempt  
16 them from under our regulation because those powers were  
17 retained with the NRC.

18           So what we're seeking -- like I said, we're  
19 looking for source material. And you'll see this term,  
20 too, because it's very specific. We want to carve out  
21 this -- the uranium recovery operations in the state, and  
22 so we're very specific in language that we chose. We chose  
23 source material from recovery or milling. And the reason  
24 why we chose recovery or milling, milling is kind of the  
25 term used for conventional mines, kind of the older

1 technology for mining uranium. Now it's moved more so to  
2 the recovery, which would refer to in situ operations. And  
3 the rules are pretty much written towards the conventional,  
4 and they've kind of been adopted over into the recovery.  
5 And so to capture those recovery -- and this was at the  
6 suggestion of the Wyoming Mining Association, we want to  
7 make sure that we use that word "recovery" to capture that  
8 new technology.

9           The 11e(2) byproduct material, we covered that.  
10 And then we defined in our regs -- and you can go back and  
11 look at this -- recovery or milling is any activity that  
12 generates byproduct material. And we define byproduct  
13 material as only that 11e(2), okay? And those are pretty  
14 much our crucial definitions: source material, recovery or  
15 milling, and byproduct material. That's what gives --  
16 that's the scope of material that the State wants to take.  
17 That's what we're trying to carve out for our regulatory  
18 scheme, okay?

19           MR. WENDTLAND: Ryan, can I add to that?

20           MR. SCHIERMAN: Yeah.

21           MR. WENDTLAND: Mr. Chairman, with the --  
22 just so that everyone on the board is aware, we still do  
23 have a conventional mill in Wyoming as well. So that is  
24 also part of addressing it in this matter, is there is an  
25 existing conventional mill in the state at this time.

1 BOARD MEMBER HINES: Where is it?

2 MR. WENDTLAND: Sweetwater.

3 MR. SCHIERMAN: It's kind of by Rawlins.

4 BOARD MEMBER HINES: I've been to the  
5 in situ mines, but I've never --

6 MR. SCHIERMAN: It's been in standby for a  
7 good 10 -- what, 10, 15 years, you think? Yeah. So for a  
8 long time it's been standby. They don't actively produce,  
9 but they have the capability of doing it.

10 And we also have conventional mills that are  
11 undergoing decommissioning reclamation surface. If you  
12 look at like the Gas Hills projects out there, Lucky Mac,  
13 Gas Hills, you know, there's a lot of those as well.

14 Are you done with that comment?

15 MR. WENDTLAND: Yeah.

16 MR. SCHIERMAN: Can I continue?

17 Okay. So as far as the agreement states, it's  
18 been done in a number of different states already.  
19 Currently there's 37 agreement states. They control about  
20 85 percent of all radioactive licenses. So the agreement  
21 states control the majority, not necessarily the NRC, okay?

22 Currently, there's two states with letters of  
23 intent. That would be us in Wyoming, and then Vermont  
24 (inaudible). The only people that have taken a regulatory  
25 authority over the material that we're seeking is going to



1 be Utah, Colorado, Washington and Texas. We're unique in  
2 that we are solely looking for this portion of material.  
3 Those other agreements statements have taken the whole  
4 suite; so hospitals, universities, things like that, and  
5 then they've also added this on. Us, we want solely the  
6 uranium recovery operations, okay? And so in that way we  
7 are unique, but other states have gone through this  
8 agreement before, and it's been done.

9           Some of the benefits of going to this agreement.  
10 There is -- there's a number of different benefits. I want  
11 to touch on them just briefly. We don't need to go into  
12 them. I'm sure a lot of you -- this has been presented  
13 before I -- I came on board, but it does -- one of the  
14 biggest pushes was to eliminate the dual juris -- dual  
15 regulations, right? Being regulated by the State, and then  
16 being regulated by the NRC in matters that are pretty  
17 similar. There was a lot of overlap, and it was trying to  
18 eliminate that overlap.

19           It also lowers ongoing regulatory costs,  
20 expedites permitting, faster response to market conditions,  
21 greater profitability, higher employment, greater potential  
22 tax revenues and easier access to regulators and more local  
23 citizen input.

24           I think this last point's pretty important.  
25 Having people close to the regulated community to make sure

1 those regulators are aware of problems as they exist, and  
2 they can respond to those in fast and quick manners,  
3 whereas with the NRC, it's kind of -- there seems to be a  
4 lack there too.

5 BOARD MEMBER MACKER: Natalia Macker.

6 Can you just talk a little bit about the shifting  
7 of costs from the general fund?

8 MR. SCHIERMAN: So currently now -- right  
9 now we are under the general fund as far as establishing  
10 this program.

11 BOARD MEMBER MACKER: Uh-huh.

12 MR. SCHIERMAN: Once we move forward to  
13 being a program that has this agreement, the costs of the  
14 program will be shifted to the regulated community. So  
15 operators will fund the program completely a hundred  
16 percent.

17 MR. WENDTLAND: Chairman.

18 BOARD MEMBER HINES: Mr. Chairman, I guess  
19 a question I had, I recalled on the first set of statues we  
20 passed, there was no -- no direction. It was -- still  
21 virtually remained with the general fund, and there was  
22 discussing, some people thought the industry should have a  
23 fee, and other people thought -- and as I recall, it ended  
24 up that way, that something was changed the last year.

25 MR. WENDTLAND: Chairman Gampetro, Board

1 Member Hines, Board Member Macker. The way it is set up is  
2 we received approximately four years of general fund  
3 funding to stand the program up, at which time the industry  
4 would be supporting the fee-based part of this. And you'll  
5 be seeing this in the regulatory chapters that are coming  
6 forward to you in the future with a payback expected period  
7 of 10 years, and that has not changed. That is how the  
8 program was designed and -- and is designed to be stood up.  
9 And that payback period remains at that 10 years.

10 BOARD MEMBER HINES: Mr. Chairman, I guess  
11 what I was remembering was the setup cost, which amounted  
12 to several million dollars, if I recall.

13 MR. WENDTLAND: Chairman Gampetro.

14 BOARD MEMBER HINES: Like everything,  
15 everybody thought somebody else should be paying for it --

16 MR. WENDTLAND: Right.

17 BOARD MEMBER HINES: -- and there was no  
18 final decision at that point.

19 MR. WENDTLAND: Chairman Gampetro and Board  
20 Member Hines. Yes, that -- the initial standup cost is out  
21 of the general fund, that is correct.

22 BOARD MEMBER MACKER: Follow-up. Natalia  
23 Macker.

24 So the current budgetary climate is not affecting  
25 the timeline of the program right now because of this?

1                   MR. WENDTLAND: Board Member -- or excuse  
2 me. Chairman Gampetro, Board Member Macker, no.

3                   BOARD MEMBER MACKER: Okay.

4                   MR. WENDTLAND: This was in place prior to  
5 the current constraints, and it has not been proposed to be  
6 impacted by current funding.

7                   MS. LA: May I say something? May I say  
8 something?

9                   MR. WENDTLAND: Yes.

10                  MS. LA: And just for background. The  
11 money appropriated for this program came through in the  
12 last bill, so the original bill which gave us the authority  
13 to begin obtaining primacy. So it's already been passed  
14 through the legislature.

15                  BOARD MEMBER MACKER: So the bill that  
16 is -- that we're waiting for doesn't affect that piece of  
17 it?

18                  MS. LA: You're correct.

19                  BOARD MEMBER MACKER: Thank you.

20                  MS. LA: True.

21                  MR. WENDTLAND: Chairman Gampetro, Board  
22 Member Macker. That is correct. The only -- the -- just  
23 to update those on the board with the statute language.  
24 Moving forward, I believe tomorrow, actually, that really  
25 is granting us the authority to move forward with the

1 rulemaking. It is separate from the funding piece.

2 BOARD MEMBER MACKER: Great.

3 MR. WENDTLAND: I realize it's intertwined,  
4 but those two components -- all we're making in the changes  
5 in the language that's moving forward this week will be  
6 just granting that authority to move forward with  
7 rulemaking and the provisions to work with the NRC in some  
8 capacities to actually stand the program up.

9 BOARD MEMBER MACKER: Great. Thank you.

10 MR. SCHIERMAN: Okay. That's the end of  
11 the questions, we'll go on.

12 So there's a process that's pretty well outlined  
13 on how to become an agreement state. And, again, you guys  
14 have all the PowerPoint slides in the back of your binder.  
15 We'll go through this if you want to see, but -- so,  
16 basically, we passed that first bill, and then we -- then  
17 we -- the governor sent a letter to the NRC expressing our  
18 intent to become an agreement state.

19 So we have filed that letter of intent with the  
20 chairman. We have had a project manager basically assigned  
21 to us that's drafting -- that we can send these draft  
22 requests to. At that portion -- you know, we're in the  
23 draft portion at the moment. We're drafting the  
24 regulations. We're drafting the policies, getting the  
25 training of our employees in place, everything in that

1 point. Once we get to the point of sending in the final  
2 packet to the NRC, that's about -- from what they suggest  
3 is about a year process, okay?

4           So those items in bold listed on this timeline is  
5 what's covered once we settle on a final agreement in.  
6 Right now we're at the beginning. We're trying to develop  
7 all the drafts, all the regulations, all those things that  
8 would go into that packet. And that's what we're coming  
9 with you guys today, is to start that process with the  
10 regulations, okay?

11           And I won't go through -- we'll -- as we go  
12 through, we'll keep coming back to this. I don't know if  
13 it would be beneficial to go through this now, but as we  
14 get further in the process, we'll discuss where we're at in  
15 this process and give you guys updates and how that goes  
16 forward, okay?

17           Critical items that we need for this agreement is  
18 the organization of our program, our content. We need  
19 statutes that allow us to create regulations and to enforce  
20 those regulations to inspect. And you'll see all those  
21 items throughout.

22           We also need to create radiation protection  
23 standards, things that State currently does not hold. And  
24 that's part of this packet as well. Also, we need to look  
25 into licensing, you know, what we're going to do for

1 procedures, inspections, licensing, and also enforcement in  
2 there as well.

3           Lastly, one of the major critical items for an  
4 agreement with the NRC is having qualified staff in place,  
5 and that is something that we will be ongoing with.  
6 Currently, just for you guys' information, we have two  
7 people within our program, besides our AG office, but  
8 directly tied to our program is -- there's two people right  
9 now, myself and another individual, Brandi O'Brien, that we  
10 have brought on.

11           As we move forward with this agreement, we'll be  
12 bringing on more staff and making sure that they  
13 technically meet those qualifications. Those  
14 qualifications are set forth by NRC guidance. They  
15 basically say this is what we expect our inspectors to have  
16 as far as a knowledge base. And we will meet -- be making  
17 sure that our Wyoming regulators meet those criterias as  
18 well, okay?

19           CHAIRMAN GAMPETRO: Go for it.

20           BOARD MEMBER MACKER: Natalia Macker.

21           Will those positions be funded by the program?

22           MR. SCHIERMAN: Yes. So according -- well,  
23 once we get the regulation -- it goes into the set -- setup  
24 costs, setting up the program. And then at that point,  
25 once we get the agreement, they will -- all the positions

1 within our program will be funded by the regulated  
2 community.

3 MR. WENDTLAND: Chairman Gampetro, Board  
4 Member Macker. Where we are in that process is is we were  
5 brought into 11 total positions to stand this program up.  
6 Two of those positions resided with the Attorney General's  
7 Office, which we have those positions hired. We've hired  
8 two of the nine positions within the agency. Three of  
9 those positions are considered to be existing staff or  
10 staff we can task both -- multiple. And we have four  
11 remaining positions to hire. Those are planned for hire,  
12 two come in March, two coming midyear, in June, July. The  
13 reason to bring those on in that time frame is the training  
14 time for these individuals to become certified, qualified,  
15 to the NRC standards is about 18 months. So we want to  
16 bring them on in a time frame such that we can have them  
17 trained when the program's ready to be stood up.

18 But we are very mindful of the funding we have,  
19 and we're not bringing them on sooner. We're bringing them  
20 on as we actually need them. As you can imagine, at this  
21 point with the development of the rule packages and just  
22 the -- the administrative overhead, one of the next  
23 positions -- well, the next key position will be the admin  
24 position that we'll be bringing on. Then we'll be bringing  
25 on the engineers -- rest of the engineers down. But



1 prepping for these meetings, the EQC, we recognize that  
2 that next person will be an administrative person.

3 CHAIRMAN GAMPETRO: Gampetro here.

4 When we talk about inspections, will these  
5 inspections be done by our staff? Will any data collected,  
6 particularly anything requiring analysis, will it be done  
7 by us at the State, or will we farm it out? Will we have  
8 people qualified to do the analysis of the materials,  
9 radioactivity levels, and so on?

10 MR. SCHIERMAN: Thank you for that. That's  
11 a great question.

12 Our staff will be able to analyze -- should have  
13 the technical qualifications to be able to analyze and  
14 interpret that data. As far as actually doing -- if we  
15 have to take samples and actually characterize, you know, a  
16 sample, things like that, that would be sent off to a lab,  
17 a third party would do it. We wouldn't have our own State  
18 laboratory that would be able to perform those functions at  
19 this point.

20 You know, down the road, if that's something that  
21 we look into potentially, but at this point, the amount of  
22 samples that we would need to -- verification samples that  
23 we would send in for analysis, things like that, would be  
24 pretty minimal, I would say. And so I think it's still  
25 maintained that as a third party, but our staff will have

1 the basis to be able to interpret those data -- that data  
2 and make judgments based on that data.

3 CHAIRMAN GAMPETRO: It will be done, then,  
4 by third party, at least some of it --

5 MR. SCHIERMAN: Uh-huh.

6 CHAIRMAN GAMPETRO: -- that we select.

7 MR. SCHIERMAN: Right.

8 BOARD MEMBER DINSMOOR: Phil Dinsmoor.

9 Maybe I've been in the mining business too long,  
10 but I'm having some difficulty gearing my mind toward the  
11 regulatory program that exists for mining in Wyoming and  
12 how this adds on to it. And now the discussion of staff  
13 further kind of complicates it for me.

14 There are people in Lander, Sheridan, Cheyenne,  
15 who currently regulate permit, inspect uranium operations  
16 in the state. Will they be able to continue, or will they  
17 be outmoded by this new set of regulations? I'm not sure  
18 how -- and maybe the question's going to be answered in  
19 your presentation. If so, just tell me --

20 MR. SCHIERMAN: No, I think it's a good  
21 question.

22 BOARD MEMBER DINSMOOR: -- to be quiet and  
23 I will.

24 MR. SCHIERMAN: It's a valid question that  
25 we've all had. But I think Kyle --

1                   MR. WENDTLAND: Chairman Gampetro, Board  
2 Member Dinsmoor, that is -- that is a -- I definitely see  
3 where you're coming from with that question, in my  
4 background. That is why three of those positions are  
5 already within the agency. That's essentially one in each  
6 district. You go back to the 11 positions, you have the  
7 nine that are essentially staff positions or nonAG  
8 positions. Three of those nine are existing folks that  
9 are -- that are doing certain aspects of that regulatory  
10 work.

11                   Now, what they're not doing is where they're  
12 trained to be a certified, qualified inspector or permit  
13 reviewer per the NRC requirements for compatibility, that's  
14 where the additional staff comes into that.

15                   MR. SCHIERMAN: I think that --

16                   MR. WENDTLAND: Does that help, or does  
17 that clarify your question?

18                   BOARD MEMBER DINSMOOR: I think so, yeah.

19 Let me --

20                   MR. SCHIERMAN: Can I add a little bit onto  
21 that a little bit or go for it?

22                   I think there's -- you can see kind of a  
23 division, right? Because currently we don't regulate the  
24 radioactive materials portion of it. The State doesn't --  
25 they look at, you know, surface disturbance, everything

1 outside the mill building, right? Whereas, you know, this  
2 agreement we're going to be given, you're going to have  
3 this division between what LQD currently already regulates  
4 and then these additional items. And there has to be a  
5 merger between us. We're not -- we can't rely solely on  
6 our own program to govern the entire purpose of a uranium  
7 recovery operation, right?

8           There's still those Land Quality items that we  
9 currently inspect are still going to have to be done by  
10 Land Quality personnel. It's the additional items that  
11 we're taking on, that's what the personnel that we need for  
12 is to take -- tackle those additional items.

13           BOARD MEMBER DINSMOOR: And will those new  
14 people be only trained in the -- in the new provisions of  
15 the NRC agreement portion of the program, or will they also  
16 be trained in the traditional Land Quality things? And I  
17 won't ask the opposite question, because it's clear that  
18 unless they -- they have certain qualifications now, they  
19 probably can't be brought on in the agreement --

20           MR. SCHIERMAN: Right.

21           BOARD MEMBER DINSMOOR: -- provisions.

22           MR. WENDTLAND: Chairman Gampetro, Board  
23 Member Dinsmoor, that's correct in the last tail end of  
24 your comment. They will be trained in the traditional Land  
25 Quality items because if we have multiple permits coming in

1 at any given time, it will take all the resources of that  
2 staff to process and do the inspections. Again, that's why  
3 there's the overlap with the positions of existing staff.

4 BOARD MEMBER DINSMOOR: Sure. Thank you.

5 MR. SCHIERMAN: And to just add a slight  
6 note on that. I think originally, at the first part we may  
7 be lacking -- I mean, there's going to be a huge push to  
8 get us up -- qualified to those NRC inspections.  
9 Gradually, after that point, once we get to the NRC side,  
10 we're going to incorporate more into the Land Quality as  
11 well. But the initial push is going to get that so we can  
12 get going and try and work things out. Does that make  
13 sense?

14 BOARD MEMBER DINSMOOR: It does. And it  
15 suggests that efficiency is going to be something that  
16 comes with time.

17 MR. SCHIERMAN: Uh-huh.

18 BOARD MEMBER DINSMOOR: And we're not going  
19 to start out as a highly efficient organization.

20 MR. SCHIERMAN: No. There will definitely  
21 be some growing pains as we do this, but we realize that  
22 from the outgo. And I don't know if I can -- you know, a  
23 lot of questions come in, you know, how is it going to  
24 operate within Land Quality? How are we going to tackle  
25 all of our regulations? And there's going to be growing

1 pains. We're going to have to figure things out and work  
2 things out within our department to figure those -- how we  
3 actually play together.

4 MR. WENDTLAND: Chairman Gampetro and Board  
5 Member Dinsmoor, that is a reason that the program is in  
6 Land Quality. It's -- we recognize there's some growing  
7 pains that will have to occur, but to get to that  
8 efficiency, we have to have it under the warm blanket  
9 rather than its own independent program, and that was  
10 recognized early on in the process.

11 BOARD MEMBER DINSMOOR: Thank you.

12 MR. SCHIERMAN: And we will continue on a  
13 little bit. So, like we mentioned before, House Bill  
14 HB0027, was passed last year for this -- beginning of this  
15 year, I should say. Or, yeah, last year. I'm sorry.  
16 Excuse me.

17 Basically, what it is, it -- it formalized our  
18 intent in pursuing an agreement. It also set funding to  
19 establish this program. At that point, Governor Mead sent  
20 off a letter. But currently we needed to amend that  
21 statute language to give the Wyoming DEQ the authority to  
22 regulate this material, create the rules, enforce, things  
23 like that. So that is what the bill is now, is we are  
24 amending, you know, that bill that was passed last year.  
25 That's what we'll hopefully, tomorrow, be resolving with

1 the legislature, okay?

2           So the rules that we're going to have -- they're  
3 kind of based on a guidance. And you have this within your  
4 binder, and we'll go over where that's at. A lot of the  
5 development of what is required of us is going to be  
6 through like NRC guidance. In all those guidance you'll  
7 have -- one of the major one is SA-700, which is going to  
8 stand for state agreement procedure. And that governs how  
9 to process -- the NRC processes an agreement. And you'll  
10 have that in your binder.

11           But this -- currently, our plans are to draft  
12 roughly around 11 chapters, okay? All of those will be  
13 going forward. We're inclined to not necessarily bring all  
14 these to you all at once. We want to bring them just a few  
15 at a time. We don't want to flood you with information.  
16 You know, we want to just piecemeal it until we get to the  
17 very end, okay?

18           So right now in your binders, that we put out for  
19 public comment, you have Chapter 1, which are general  
20 provisions, and Chapter 3, which is our standards for  
21 radiation protection, okay? And we'll get into more of  
22 what those mean, but I just want to introduce those are the  
23 chapters we're looking at.

24           Now, we talked about how NRC evaluates us. And  
25 this is really important. You know, when you look at how

1 they evaluate a program, you know, it's -- it's kind of --  
2 it's kind of hard to grasp. They say you're adequate and  
3 you're compatible, right? Those don't sound like a very --  
4 you know, a mark to strive towards, but that's the highest  
5 mark the NRC will give us, right? And that's what we're  
6 striving to be is this adequate and compatible.

7           Compatibility is broken down into a number of  
8 different categories. You have Category A, B, C, D and H,  
9 S -- H&S, okay? Category A and B are basically those  
10 standards that NRC feels that states should adopt, and  
11 practically word for word, okay? There's little movement  
12 as far as how the State handles those items.

13           Now, those that are Category C, D and H -- H&S,  
14 the State can feel free how they feel to meet those  
15 standards. With Category C, they basically have to meet  
16 the same objective, but they can do it in different ways.  
17 And then Category D is not a requirement for compatibility.  
18 The State can then choose whether they want to adopt it or  
19 something similar.

20           Then last one that I guess I didn't mention would  
21 be Category NRC, which are rights reserved to the NRC, in  
22 which we cannot adopt in our regulations. And you'll see  
23 that as we go through. How we're trying to adopt -- and  
24 maybe it will be best to show. For example, if you guys go  
25 up to Chapter 3 in your binders, you'll see that we



1 incorporate by reference. We basically state any -- we  
2 state the portions of the 10 CFR that we're incorporating  
3 for radiation protections. If you go down to Section 4,  
4 you can kind of see that.

5           And then as you go down to like Category -- or  
6 Section B, you see that we have to list out a number of  
7 different exceptions, saying these portions of the 10 CFR  
8 don't -- are not incorporated in our regulations.

9           Portions of those are because it's an NRC. We  
10 can't accept those. Those have to be remained with the  
11 NRC. Portions of those are -- it's outside of our scope of  
12 authority. There may be requirements for hospitals, for  
13 example, and how they treat patients that are administered  
14 radioactive material. We don't necessarily want to  
15 create -- adopt those standards because it doesn't apply to  
16 the scope of material that we're -- we're assuming. So as  
17 you go through these and you see these exclusions, it's --  
18 it's for one or two of those -- two of those items, okay?

19           Now, the chapters -- how we -- how we went about  
20 them. Chapter 1, General Provisions, basically lays the  
21 framework for the rest of the chapters. All of your  
22 definitions for all the chapters are going to be found in  
23 Chapter 1. That's why Chapter 1 is the largest chapter we  
24 will have. And that's what -- why we gave it to you guys  
25 right off the get-go.

1           You know, just to introduce you to the terms, you  
2 know, you'll start reading through those, you'll see some  
3 of them are technical terms, some of them are jargon, but  
4 we want to contain all of our definitions for the rest of  
5 our rules in one place, and that's why we put them there.

6           It also lays out the things that are important  
7 for us establishing rules, such as what units we're going  
8 to be using, you know, how we're going to record  
9 information, things of those nature that's important for  
10 the framework for the following chapters, okay?

11           One thing to add to this is, you know, we have  
12 created a list of those definitions and those frameworks  
13 that we felt were important, but as we develop rules, there  
14 may be portions or definitions that, as we go forward, that  
15 may be needed to be added to this -- back to this  
16 Chapter -- Chapter 1, General Provision. And the way we  
17 kind of thought about it is it may be beneficial to, as we  
18 go forward with this, create that list, and then at the  
19 very end, when we get ready to, you know, put the whole  
20 packet out for public comment again, incorporate that list  
21 of definitions that we've created through this whole  
22 process. You know, that way, you know, at the very end,  
23 the public has a chance to see all of the full definitions.  
24 We don't anticipate many definitions being added, but there  
25 may be a few here and there that, well, we probably should

1 define this a little further. Does that make sense?

2           The other portion, Chapter 3, is our radiation  
3 protection standards. For most of this, it's going to  
4 be -- we talked about compatibility. It's going to be  
5 Compatibility A or B. And for where we can, we'll be  
6 incorporating by reference to make this a more seamless  
7 process.

8           You know, basically, as we incorporate by  
9 reference, we know those standards. We can move through  
10 this agreement a lot faster. The NRC already is  
11 comfortable with those regulations, and if they're an A and  
12 B, it's something they've already seen. If we incorporate  
13 by reference, it will make the agreement go quicker, okay?

14           With that being said, this may be a good point to  
15 bring up some additional amendments.

16           And Craig, if I do this wrong, please correct me,  
17 but like I said, this is my first time with the advisory  
18 board, and I want to make sure I follow protocol with this.

19           There were some grammar mistakes and slight items  
20 we wanted to change to Chapter 1 and 3 that I have. In the  
21 front of your binders, there's a -- one piece of paper that  
22 should be just in the envelope. And I'll talk about those  
23 before we go into the chapters just because we're stuck  
24 here, and I thought it was a good place.

25           If you go -- so let's go to the Chapter 1,

1 General Provisions, real quick. It's going to be your  
2 third tab, I believe. If you go into page 1 of 1, after  
3 Source Material under the Purpose. We notice that in that  
4 Purpose and Scope section, we forgot the word "recovery,"  
5 and we just said "source material for milling." So we're  
6 going to add that word "recovery" in there, basically, to  
7 make it more consistent with the rest of our regulations,  
8 okay, and to capture that new technology, in situ recovery.

9 The same thing on --

10 BOARD MEMBER MACKER: So it would read of  
11 source material recovery or from milling and the  
12 byproducts?

13 MR. SCHIERMAN: Source material from  
14 recovery or milling.

15 BOARD MEMBER MACKER: From recovery. Got  
16 it.

17 MR. SCHIERMAN: Gotcha. Or milling right  
18 there.

19 Same thing with page 1 of 1, after byproduct  
20 material, same thing, it says, "byproduct material from  
21 such milling activities." It's going to say "from such  
22 recovery or milling activities," just to capture that new  
23 technology, okay?

24 The other portion, if you go to the definitions  
25 and go to contamination, the definition for contamination,

1 and this was an oversight on my part. I apologize for  
2 that. In -- under Contamination, under (i), where it talks  
3 about fixed radiation. What happened on this is, you know,  
4 currently uranium recovery operations -- and there's three  
5 forms of radiation that the -- there's an alpha radiation,  
6 a beta radiation, gamma radiation. All these uranium  
7 recovery operations have all three types of radiations at  
8 their facilities.

9           Typically in the past, when they're looking at  
10 release of materials, things like that, they're looking at  
11 the alpha components because that's the most restrictive,  
12 okay?

13           So you usually, if you pass for an alpha  
14 component, you're going to pass for that beta or your  
15 gamma. However, we did want to make sure, as far as with  
16 NRC compatibility, that we're capturing those betas and  
17 gammas as well. And the case that there was separate or  
18 isolated beta/gamma radiation, that there would be release  
19 criteria for that. And the way we captured that is in the  
20 end of contamination above the -- above (i), we state  
21 that "Please refer to Regulatory Guide 8.30, Health Physics  
22 Surveys in Uranium Recovery Facilities" -- and, actually,  
23 I'm in the wrong place. I apologize.

24           Basically said for those items where beta/gamma  
25 contamination exists, that you need to refer to Table 2 of

1 the regulatory guide. And by doing such, you know, that's  
2 where you're going to look for those beta/gammas. If you  
3 go down to (i) and (ii), we talked about at the very end of  
4 both of those, we say for both alpha and beta emitters. We  
5 want to change that because those limits are going to apply  
6 just for alpha emitters, and just get rid of "and beta" on  
7 both those items because it's going to be Table 2 of  
8 Regulatory Guide 8.30 where you're going to find those  
9 standards. So it was more of a little typo on our end as  
10 far as that goes, okay?

11 BOARD MEMBER HINES: Mine says for alpha  
12 emitters. Doesn't say anything about beta emitters.

13 MR. SCHIERMAN: It doesn't for (i)?

14 BOARD MEMBER MACKER: The page before? Are  
15 you on 1-6?

16 MR. SCHIERMAN: 1-6?

17 BOARD MEMBER HINES: I'm in (i) and (ii).  
18 They're both in (inaudible).

19 MR. SCHIERMAN: Okay. Do you see the beta  
20 emitters on yours?

21 BOARD MEMBER MACKER: Yep.

22 MR. SCHIERMAN: Okay.

23 BOARD MEMBER HINES: 1-6, (i) and (ii).

24 BOARD MEMBER MACKER: Uh-huh.

25 MR. SCHIERMAN: So regardless, you must

1 have the correct version.

2 BOARD MEMBER MACKER: Oh, I'm in the walk-  
3 through. Is it fixed in that one?

4 MR. SCHIERMAN: It could be -- it could be  
5 fixed in the walk-through. So that's -- that's one of the  
6 corrections that we were hoping --

7 BOARD MEMBER MACKER: Uh-huh.

8 MR. SCHIERMAN: -- to fix. It's in the  
9 walk-through that it's corrected? Okay.

10 So that was one of the items. And then in --  
11 the other change we wanted to make to these is in  
12 Chapter 3. We mention 11e(2). We say we want to take the  
13 scope of source material and 11e(2) byproduct. In our  
14 definitions, we define what byproduct is, and so we chose  
15 to remove that 11e(2) because we already define what  
16 byproduct material is, and just to make it more consistent  
17 with the rest of the rules. And that was the only change  
18 we had with Chapter 3, okay?

19 BOARD MEMBER MACKER: Question.

20 MR. SCHIERMAN: Yes.

21 BOARD MEMBER MACKER: Natalia Macker. It  
22 might be -- you can tell me if this is something --

23 MR. SCHIERMAN: Yep.

24 BOARD MEMBER MACKER: -- not to talk about  
25 right now.

1                   Because you brought up adding the word "recovery"  
2 in to capture new technologies, is it going to be in the  
3 rules at what point some new technology that we don't know  
4 about yet triggers the review of the rule or an insertion  
5 or something?

6                   MR. SCHIERMAN: Yeah, it's more -- I think  
7 it captures all the -- I think recovery captures all the  
8 technologies because you're recovering that uranium.

9                   BOARD MEMBER MACKER: Uh-huh.

10                  MR. SCHIERMAN: It's kind of just a blanket  
11 statement for it. And it's more a milling potentially  
12 covers that as well, but the problem is, you know, as NRC  
13 is moved into this new -- there was a lull for a long time,  
14 and then a lot of operators came in. They started using  
15 this word "recovery," and so it's kind of worked its way  
16 into the language and the jargon, and so we just wanted to  
17 capture that. It was a push from industry. That's what's  
18 on our licenses. That's the language they have on our  
19 licenses. That's the language they're using in our  
20 permits. Let's make sure that we have that consistent with  
21 your -- and so that's why we ended up using recovery as  
22 well. But I don't foresee any other technologies that  
23 would change. It would fall within one of those two  
24 terminology. Does that make sense?

25                  BOARD MEMBER MACKER: It does.



1 MR. SCHIERMAN: Either milling or recovery.

2 BOARD MEMBER MACKER: And so if someone  
3 develops something that part of that wasn't addressed  
4 somewhere else, whatever they were doing, the activity of  
5 it wasn't addressed, that's the point at which we would  
6 discover we needed to add some new rule --

7 MR. SCHIERMAN: Yeah.

8 BOARD MEMBER MACKER: -- because of a piece  
9 of equipment or something?

10 MR. SCHIERMAN: Yeah. We could change  
11 based on -- based on the needs. If there was a need that  
12 we saw that wasn't sufficient or wasn't adequate, we would  
13 basically have to go back and look at adopting --

14 BOARD MEMBER MACKER: Okay.

15 MR. SCHIERMAN: -- you know, different  
16 language a little bit and adapting, if you will.

17 MR. WENDTLAND: Chairman Gampetro, Board  
18 Member Macker. I think the new technology that -- that  
19 Ryan is referencing really is the move away from  
20 traditional milling to in situ recovery.

21 BOARD MEMBER MACKER: Okay. So we're kind  
22 of already addressing what we think would be coming up?

23 MR. WENDTLAND: That would be correct.

24 MR. SCHIERMAN: And just to kind of give  
25 you background on this. There's two -- the reason why

1 there's a move on this -- and I think this is -- we're all  
2 getting into this as we discuss rules down the road and  
3 stuff. Conventional mills, because of UMTRCA, basically  
4 when they go to decommissioning, they relinqu -- they go  
5 through what is referred to as long-term care and  
6 maintenance, okay?

7           So they clean up the site to a certain degree.  
8 And at that point it's not released to the general public.  
9 It's released to the Department of Energy. And they  
10 maintain that site indefinitely for long-term care and  
11 maintenance, okay? That site's private. It's owned by the  
12 DOE, et cetera, et cetera.

13           For in situ recovery operations, after the point  
14 of closure of those facilities, they can remediate the  
15 land. The water's going to be a big component of that, the  
16 groundwater. But if they meet those standards at what  
17 point they can relinquish that to the public and release it  
18 as unrestricted release.

19           BOARD MEMBER MACKER: Or back to the --

20           MR. SCHIERMAN: Back to the public.

21           BOARD MEMBER MACKER: -- the leaseholder,  
22 if it's on private land.

23           MR. SCHIERMAN: The leaseholder, private  
24 landowner, et cetera, et cetera.

25           These other sites, you know, forever will be in

1 the custody of DOE or --

2 BOARD MEMBER MACKER: Okay.

3 MR. SCHIERMAN: -- things of that nature.

4 And we have had that in the past in Wyoming. We  
5 have two Title I sites. Spook, Wyoming was a site, and  
6 then the Riverton, Wyoming site. You wouldn't know that  
7 those were sites. They basically just have a site -- a  
8 sign that says, you know, DOE property, this is what was at  
9 the -- at this site.

10 And then we have a -- a number of Title II  
11 sites -- I think there's a total of eight, but I could be  
12 off on that -- throughout the state that are currently --  
13 either been passed over to DOE or in the process of being  
14 transferred.

15 BOARD MEMBER MACKER: Thank you.

16 MR. SCHIERMAN: Okay? So those are the  
17 revisions that we have. I think the next slide, what I  
18 wanted to do, is talk about your binder. Now I want to  
19 just walk through this with you guys, if that's all right  
20 with you, and just talk about what each -- each tab, what's  
21 going to be in there.

22 The first tab that we have for you guys is to go  
23 over that compatibility. Right there you'll see those  
24 compatibility categories and what those mean for each rule  
25 and regulation. As we'll get to in the rules, there's

1 tables included in here that as you go through the rules  
2 and regulations, you can see what each term -- what  
3 compatibility is, and what -- what we have to meet for it.

4           So it might say -- because we -- because  
5 Chapter 3, you have 10 CFR 20, which is going to be what  
6 we're incorporating by reference. You can go to that table  
7 and see 10 CFR 20.2001, what compatibility is this? And it  
8 will tell you what compatibility it is, and then you can  
9 know how much flexibility the State has with those items,  
10 okay?

11           So that's what we have there. The next one is  
12 the current bill that we're trying to pass. The latest  
13 version that we have, there will be -- this is what we're  
14 amending to the original bill, so this is going to be  
15 Senate File 0023. This is what gives us the authority to  
16 create rules and regulation, enforce, things of that  
17 nature.

18           So that's included for your reference. You don't  
19 necessarily have to make any decisions on that portion, but  
20 it's there for your -- for you guys to get a background if  
21 you need it.

22           The first chapter is Chapter 1, which we gave --  
23 again, you know, it's 24 pages long. It's probably going  
24 to be our longest chapter. A lot of definitions in here, a  
25 lot of terms, some things which you might not be completely

1 familiar with. And as you come across those, you know,  
2 please ask questions, we can walk you through those things.

3           What we try to do, too, for you, so you're not  
4 flipping back and forth between is this -- what  
5 compatibility is this? What is this? If you go to the  
6 next section, we recreated that same chapter. And what we  
7 did is we did a side bar on each of the terms. And as  
8 you'll see, if you'll flip, for example, to 1-8 in that  
9 walk-through, you'll see each term, it will show where it's  
10 referenced in the 10 CFR and what compatibility it is,  
11 okay?

12           And so we -- we tried to make that a little  
13 easier for you so that as you go through these, you can go  
14 through and find what the requirement is, what  
15 compatibility it is, things of that nature. And we plan to  
16 do this on each of the chapters, is have this side bar, so  
17 walk through, if you will -- I think we call it a walk-  
18 through, and so that way it helps you guys know where we're  
19 coming from, and you're not just left in the dark.  
20 Hopefully it adds to your knowledge.

21           And then as you go through -- did you have a  
22 question, or no?

23           BOARD MEMBER HINES: No.

24           MR. SCHIERMAN: Okay. Then as we go  
25 through, you'll see we have a check -- two tabs for each

1 chapter. As we go to the Land Quality Advisory Board, it  
2 will be providing those chapters for you to put into the  
3 binders, okay? So you'll have Chapter 2, et cetera,  
4 et cetera.

5 Right now if you turn to Chapter 3, that's where  
6 we have Chapter 3, where you -- where we incorporated by  
7 reference, okay? And then you have the walk-through that  
8 follows it. And we just talk about what -- what we did  
9 with the walk-throughs when we're excluding. All those  
10 items that we said we don't want to -- we're excluding from  
11 incorporating by reference, we tried to give an explanation  
12 for each item of those exclusions to say why we're  
13 excluding that item, so you guys can know off to the side,  
14 okay? So you don't have to wonder why did they exclude  
15 this certain portion. We tried to give you some narrative  
16 why we felt that we needed to exclude it, okay?

17 Again, then we pull through all the chapters.  
18 And I'm just going to skip all those. So if you go past  
19 Chapter 11, your next document's going to be SA-200. This  
20 is going to be a guidance document from the NRC on  
21 basically how to -- how they determine compatibility. Not  
22 necessary for you guys to read. It's more if you have  
23 questions on how they determine that this was a -- how they  
24 determine compatibility. You can refer to this document,  
25 and it will give you a little understanding on that.

1           The next tab is SA-700, and this is how the NRC  
2 will actually process an agreement. They'll say, you know,  
3 this is the -- our internal process when an agreement comes  
4 in, what we look for, et cetera, et cetera.

5           The next document is some background information.  
6 NRC occasionally will issue what is referred to as a  
7 regulatory issue summary. It's not going through the  
8 rulemaking process, but it still binds those operators to  
9 those -- to those items. It may be a trend they're seeing  
10 in the industry or a potential conflict that they see that  
11 they want to resolve.

12           One of the important ones of these regulatory  
13 issue summaries is Regulatory Issue Summary 2000-23. And  
14 it is specifically important to the conventional mill side,  
15 and it talks about accepting alternate waste. For example,  
16 if you have like -- I'm just -- so let's say you have some  
17 kind of waste at your facility that potentially has uranium  
18 in some concentration. You can ship that to a uranium mill  
19 to process that uranium out of that waste. Does that make  
20 sense? And it allowed them to actually go about that.

21           And it's something that's important to  
22 conventional mills because it's a side stream of industry  
23 for them, or -- or product, right? And it's -- it kind of  
24 serves two -- two purposes. One, it removes that uranium  
25 from that waste, and they can use it as a product. But

1 some of the definitions in our section refer back to this  
2 regulatory issue summary. So if you have -- and we'll  
3 identify those definitions that do. And so it's an  
4 important background document if you have questions on  
5 those definitions.

6           The next part is the compatibility. And as we go  
7 through those regulations that we incorporate by reference,  
8 you have a copy of each of the 10 CFRs we're going to be  
9 looking at. Just for your knowledge, we're going to be  
10 looking at incorporating 10 CFR 19, 20, 30, 40, 71 and 150,  
11 I believe. And so for each of those you're going to have a  
12 table. And if you just look at the first one that we have,  
13 so like 19.3, it lists the definitions there. You can go  
14 over to the compatibility category. It tells you what  
15 compatibility it is. So these ones are D. That means the  
16 states agree to either adopt these regulations or do their  
17 own form of that regular -- or of that definition. And  
18 then also on the side, under comments, it discusses what  
19 history was for each of those. So you have one of those  
20 for each of those 10 CFRs.

21           The other items that we brought up is -- so  
22 you'll have a table for each of those 10 CFRs, and then  
23 you'll actually have the 10 CFR as well. So following that  
24 table, if you look at 19, we -- you should before it -- I'm  
25 sorry. Before you got to the table, you have the actual



1 10 CFR 19 chapter, which lists what is actually in 10 CFR  
2 19. And you'll have each of those for 10 CFR 19, 20, 30,  
3 71 and 150, okay?

4 So skipping ahead -- what's that? Yep.

5 BOARD MEMBER DINSMOOR: Phil Dinsmoor. If  
6 I'm looking for a table, I see that there is no  
7 compatibility listing for definitions, for example.

8 MR. SCHIERMAN: Yeah. So what they do with  
9 that is if you follow down the next definition -- so go  
10 down to accelerate or produce or radioactive material,  
11 which is under that definition section. You see that?

12 BOARD MEMBER DINSMOOR: No.

13 MR. SCHIERMAN: Look under -- where --  
14 where are you at right now?

15 BOARD MEMBER DINSMOOR: That's a good  
16 question.

17 MR. SCHIERMAN: Oh, okay. So what they'll  
18 do is if there's multiple categories within a section -- so  
19 they'll have something listed as like definitions, for  
20 example. I'm looking at 10 CFR 30 right now. It says  
21 10-30.4 is definitions, right? No compatibility listed.  
22 But then the item down doesn't have a section number  
23 because it falls within those definitions. So it says  
24 accelerator produced radioactive material, act, agreement  
25 state, et cetera, et cetera. And each one of those

1 definitions will have a compatibility with it. Do you see  
2 that?

3 BOARD MEMBER DINSMOOR: Yes.

4 CHAIRMAN GAMPETRO: H&S?

5 MR. SCHIERMAN: H&S is health and safety.

6 CHAIRMAN GAMPETRO: Right.

7 MR. SCHIERMAN: You know, things like that.

8 And it will tell you each of those compatibilities for each  
9 definition as we go through, okay?

10 So some of those items where there's multiple --  
11 so they may have like a section that's 30.4, but there's a  
12 number of different terms. They'll actually just keep --  
13 won't put a -- a regulation section to it. They'll just  
14 list the term, and then it will follow through with that,  
15 okay?

16 And then the other items -- so if you get past  
17 all the -- towards the back -- and I'm sorry there's lots  
18 of material, but I wanted to make sure that you guys had  
19 everything available to you. So hopefully it's not scaring  
20 you, it's more you feel thankful that you have the  
21 material.

22 But if you go to the end -- and I'll turn there.  
23 Takes a bit to turn -- we also included the PowerPoint for  
24 you guys that we went over today. And then the last item  
25 that we did is the portions of the Atomic Energy Act that

1 govern agreement states, is the very last tab you guys  
2 have. That was also included. And that will talk about  
3 the actual -- taken from the Atomic Energy Act that shows  
4 how NRC relinquishes that authority, you know, that power  
5 given to them.

6           So that will be your binders. Again, we'll  
7 provide pages to you every time we have an advisory board  
8 meeting that you can throw in these chapters and keep  
9 everything in one place, okay? I think that's the majority  
10 of -- the information we'll cover.

11           As far as a timeline, what we've kind of set up  
12 as far as a timeline is we're hoping that, again, the  
13 statute language will be passed, you know, this legislative  
14 session. We put March, because that's when it ends. We  
15 want to have -- the goal is to have the -- all of our  
16 regulations, Chapters 1 through 11, through the advisory  
17 board, but we put third quarter '16, but we're hoping  
18 through the end of this year, you know, getting that  
19 through to you guys. Public comment on those as well done  
20 about the same time.

21           We're hoping to take the Environmental Quality  
22 Council -- take our recommendations to them by second  
23 quarter of '17. And the reason we want this is -- is  
24 twofold. You know, we want to make sure that we are  
25 planning -- the timing for the Environmental Quality

1 Council is we want to make sure we have our final agreement  
2 to be NRC in in about the same time we're going to the  
3 Environmental Quality Council.

4 We know once we send that final agreement to the  
5 NRC, it takes them a year to process, as they go through  
6 their internal processing of that agreement and reviewing  
7 it and making their recommendations. And so if we can do  
8 that, that puts us at reaching an agreement with the NRC  
9 second to third quarter 2018. And the reason why we want  
10 third quarter at the latest for 2018 is that's the end of  
11 the fiscal year for NRC. We don't want to necessarily have  
12 a start of a new fiscal year where operators are paying  
13 fees into the NRC, and then we get the agreement and there  
14 has to be that transfer of funds through the NRC back to  
15 the State. And so if we can have a clean break at the end  
16 of the fiscal year of the NRC or our fiscal year, that's  
17 what's going to be motivating that goal as far as getting  
18 the agreement.

19 It also works out well, our funding is up into --  
20 the current funding we have is up until '18, 2018. So it  
21 kind of fits with our goal. Internally, we'd like to see  
22 it second quarter '18 because that's when, you know, we  
23 have the funding up until that point of this current time,  
24 okay?

25 So those -- that's kind of a breakdown. I know

1 we -- we presented a lot of information to you guys today.  
2 We know for your responsibilities, we're really at this  
3 time period only working on Chapter 1 and Chapter 3. The  
4 schedule -- and maybe we can have discussion on this -- is  
5 as we move forward, we'd like to present the rules to you,  
6 what they are, give you an opportunity to look at them, and  
7 then the next advisory board you can address the questions  
8 or pass those rules on, and then we'll also introduce new  
9 rules at the same time. So it's kind of a stepwise  
10 process.

11 I guess the other portions that I would have at  
12 this point is if there's other questions, you know, we're  
13 more than willing to help. I -- I do -- I will ask that as  
14 we go through this -- a lot of this stuff makes sense to  
15 me. I've been around this -- these terms, things like  
16 that, and so sometimes I might have a tendency to use  
17 jargon or technical terms. If -- if that is the case, and  
18 you're not following, please stop me, and we'll go back and  
19 discuss -- and discuss the item until you're -- you can get  
20 a grasp of it, because this process of going through the  
21 land quality advisory board, there's going to be a lot of  
22 educational components to bringing you guys up to speed --  
23 you guys up to speed as far as the items and making sure  
24 you understand what we're trying to do, okay?

25 So with that, is there questions, or does Kyle

1 want to add anything else on top of that?

2 MR. WENDTLAND: Chairman, I would add that,  
3 again, this is a fair bit of material, and we wanted to get  
4 it introduced to you at this time because we do have this  
5 bit of additional timeline between now and -- and the next  
6 board meeting that we'll address the NRC requirements.

7 We also recognize, and I talk about that in the  
8 schedule, but there's this three-board meeting that may be  
9 coming up -- will be coming up at the end of this quarter,  
10 first of next quarter. So we did want to get all this in  
11 front of you now so you have a little more time to look  
12 through and ask some questions before we come to you to  
13 approve these chapters and move into the next chapters.  
14 There just was a good opportunity with that timeline. So  
15 please feel free to engage Ryan or myself or Eva at any  
16 time. We're at your disposal with questions regarding  
17 these as we move through the rules.

18 The other item I would want to address is we've  
19 had discussion -- we've had some additional discussion with  
20 the EQC, and now it's trending that they may want to see  
21 the chapters we have, or that we're through at each of  
22 their quarters, not for an approval, but for an opportunity  
23 to introduce them to the EQC, and for them to have  
24 opportunity and be concurrently reviewing such that when we  
25 get to the end and we combine everything, so we have a

1 review period in context, that they also have had some  
2 additional time to assimilate all this material before we  
3 get to that approval.

4           So once we kind of got through this first quarter  
5 and could see how that schedule was going to shape up, we  
6 would then start getting on the EQC agenda as well, but not  
7 for an approval. I need to make that clear. It's just  
8 introduction of material, because this board has to approve  
9 those documents first. So --

10           CHAIRMAN GAMPETRO: I have a question.  
11 With us taking over these additional responsibilities, do  
12 any federal funds come along with that?

13           MR. WENDTLAND: Chairman Gampetro, no, this  
14 will be funded by industry.

15           BOARD MEMBER HINES: Mr. Chairman, I have a  
16 question.

17           Over the years I've always been accused of  
18 thinking about money all the time, and after 20 years on  
19 the revenue committee, I guess I've gotten into that  
20 position.

21           You're talking about the next two years, which  
22 currently there is no budget passed forward. How does --  
23 budget agreement this next month could affect some of this.  
24 Delays it or --

25           MR. WENDTLAND: This was already -- this --

1 these funds are allocated. Chairman Gampetro and Board  
2 Member Hines, these funds are allocated, and it's not going  
3 to have an impact on this program at this time.

4 BOARD MEMBER HINES: Where are the funds  
5 allocated from?

6 MR. WENDTLAND: They're out of the general  
7 fund, and they were committed for the four years.

8 BOARD MEMBER HINES: But Mr. Chairman,  
9 there's still a possibility that the legislature can change  
10 those. Nothing is permanent.

11 MR. WENDTLAND: Nothing is --

12 BOARD MEMBER HINES: Nothing it permanent.

13 MR. WENDTLAND: Chairman Gampetro, Board  
14 Member Hines --

15 BOARD MEMBER HINES: I just wondered --

16 MR. WENDTLAND: -- yeah, we -- at this  
17 point in time, we've not gotten any indication --

18 BOARD MEMBER HINES: Indication.

19 MR. WENDTLAND: -- that there is any change  
20 to the direction we've been on or -- or going.

21 BOARD MEMBER HINES: Well, that would --  
22 that depends on any possible floor action or reports of  
23 future income, you know, the next two years. Thank you.

24 BOARD MEMBER MACKER: Natalia Macker.  
25 Are -- is any of this affected by the data trespass



1 statutes?

2 MR. WENDTLAND: Chairman Gampetro, Board  
3 Member Macker, the trespass is certainly -- has become a  
4 complicated issue. And we have had some correspondence  
5 with the NRC's general counsel that they are not in  
6 agreement that our trespass language may be compatible at  
7 this time. Clearly, there's discussions within the State,  
8 and we have some time to work through that, so we're not at  
9 a reaction point with that yet.

10 I guess the tact or the view that we're taking  
11 right now is we want to see if there's any changes from the  
12 legislative body first.

13 BOARD MEMBER MACKER: All right.

14 MR. WENDTLAND: And Chairman Gampetro,  
15 Board Member Macker, I would expect those not to be in this  
16 session yet. Good question.

17 CHAIRMAN GAMPETRO: Okay. Any other  
18 questions, comments?

19 BOARD MEMBER DINSMOOR: I guess -- Phil  
20 Dinsmoor. Are we taking an action today? No action is  
21 being requested?

22 CHAIRMAN GAMPETRO: This was informational.

23 BOARD MEMBER DINSMOOR: Okay. Let me then  
24 ask this question: When we receive from Craig Hults an  
25 email of -- with an attachment of Chapter 1 and Chapter 3

1 rules, and they were also in here -- and I'm not certain  
2 they're the same. Are they?

3 MR. SCHIERMAN: They -- obviously, as it  
4 was pointed out today, it looks like the walk-through was  
5 updated to get rid of the beta component, but the actual  
6 rules themselves should be the same, that they were taken  
7 from the same spot. But it looks like that walk-through  
8 that I provided you guys is -- has that slight change that  
9 we talked about today. Some of those might have been  
10 incorporated, like that beta, it looks like.

11 CHAIRMAN GAMPETRO: They were.

12 MR. SCHIERMAN: Right. So that was  
13 probably a mistake on my end. We probably corrected it and  
14 got -- you know, before we sent this out to you. So that  
15 walk-through may have some of those -- obviously, it does  
16 because we found one -- some of those corrections in there,  
17 but it wasn't our intent to have those corrections until we  
18 went to you guys, got your permission to make those  
19 changes.

20 MR. WENDTLAND: Chairman Gampetro, what I  
21 would suggest at this time, we make sure we provide the  
22 correct information and send each board member an update  
23 and have you remove that so that we're all on the same  
24 operational sheet of paper.

25 MR. SCHIERMAN: Okay. We can do that.

1                   BOARD MEMBER HINES: Mr. Chairman. I don't  
2 know whether it's in order at this time, but the one thing  
3 that kind of stood out to me, as I'm looking through some  
4 of this information, is definitions. And the one that is  
5 on -- on constructions, and -- and they gave the definition  
6 of Chapter 1, 1-5.

7                   MR. SCHIERMAN: Yep.

8                   BOARD MEMBER HINES: And then they also had  
9 a page of exemptions. And as I read through them, I could  
10 see where there could be different -- to me, my  
11 interpretation -- different the way people interpreted or  
12 could run -- come into some questions future -- in the  
13 future, and I wondered if anybody had ever run -- brought  
14 anything like this up or not.

15                   MR. SCHIERMAN: It is -- it is a  
16 controversial topic for, right, when does construction  
17 begin? What does -- things of that nature. That's where  
18 this definition comes from, right, what's considered  
19 construction. The one thing I would -- caveat we would  
20 have is we did that lease through Wyoming Mining  
21 Association. They did come through and -- you know, these  
22 terms are something that they've seen, that they've come to  
23 a conclusion that this is what we wanted to define as  
24 construction for those items.

25                   You know, it comes into play when you talk about

1 with NRC regulations that we will be adopting, things like  
2 that, when items come into play, right? When does -- so,  
3 you know, just for your information, when -- when -- as far  
4 as source material, if you have a uranium mine in the  
5 state, or uranium mine elsewhere, right, that material is  
6 not governed under the NRC, right? The only -- the portion  
7 at what point it becomes regulated by the Nuclear  
8 Regulatory Commission is when you start concentrating that  
9 in the milling act, okay?

10 So there's an important distinction between when  
11 you're mining and when you're milling, right? And that  
12 kind of goes into a little bit with these construction  
13 items; you know, when do you get to that portion of being  
14 regulated by these regulations and when you're not. Does  
15 that make sense?

16 I know a lot of this stuff comes back to history  
17 of what's been done in the past and how they develop their  
18 rules, but there are these distinctions, like I said, a  
19 clear breaking point of when, you know -- and I think  
20 that's a good example, the uranium mining. If I grab ore,  
21 you know, I'm not necessarily following these rules until I  
22 go and start processing it and milling it, things of that  
23 nature.

24 MR. WENDTLAND: Chairman Gampetro.

25 CHAIRMAN GAMPETRO: How does that --

1 MR. SCHIERMAN: What's that?

2 CHAIRMAN GAMPETRO: -- with the yellowcake  
3 that's taken out of the in situ mines?

4 MR. SCHIERMAN: Uh-huh. Can you ask  
5 that --

6 CHAIRMAN GAMPETRO: How does that apply?

7 MR. SCHIERMAN: Yeah. So back in the day,  
8 when the in situ recovery -- at one point they said is when  
9 they dissolve the ore body that's in an in situ recovery  
10 and make it mobile, into solution, that that is considered  
11 milling, and that you're milling underground. And that is  
12 why they are covered under NRC jurisdiction is because when  
13 you mobilize it, they say that that's milling, which has  
14 been a controversial topic. You know, if you talked to  
15 WMA, they always, you know, bring that up, but that's how  
16 NRC is -- has handled that jurisdiction as saying that  
17 that's milling underground.

18 CHAIRMAN GAMPETRO: That makes sense. It  
19 comes out of there similar to what a mill would produce --

20 MR. SCHIERMAN: Uh-huh. Exactly.

21 CHAIRMAN GAMPETRO: -- from that  
22 standpoint.

23 MR. SCHIERMAN: Uh-huh.

24 BOARD MEMBER DINSMOOR: Mr. Chairman, I  
25 want to go back to Board Member Hines' question on the

1 construction. I guess I thought your question was going to  
2 go to the fact that there's two or three other definitions  
3 in construction in the state of Wyoming and, in fact,  
4 within the Department of Environmental Quality. And so  
5 uranium operator might be working on a Land Quality permit  
6 under this program, and construction's defined one way, and  
7 they might be working on an Air Quality permit through the  
8 DEQ, and construction is defined another way, and they  
9 might be working on a -- a -- it might be a new project and  
10 it might be under the Industrial Siting Division, and  
11 construction is defined yet a different way. And I'm  
12 wondering -- that's where I thought your question was  
13 coming from -- have all of those things --

14 MR. SCHIERMAN: Uh-huh.

15 BOARD MEMBER DINSMOOR: -- been taken into  
16 account and those differences, if there are any recognized?

17 MR. SCHIERMAN: Yeah, I would say that  
18 we've done our best to try and look and try and mold and  
19 stay consistent with DEQ as much as we can, but Eva will  
20 give you a little more on that.

21 MS. LA: So, unfortunately, it's not  
22 unusual that you find different wording or definitions  
23 applying to different areas of -- of the law or of life.  
24 So transportation may have a different definition than DEQ.  
25 How it's interpreted under the law is generally that

1 definition applies to that area which is being regulated.  
2 So this definition here, for construction, would only apply  
3 to the uranium recovery program, whereas then when you're  
4 switching gears and going to the Department of  
5 Transportation regs, the definition of construction,  
6 although slightly different, would apply there. And,  
7 unfortunately, there is that discrepancy, and it may not be  
8 easy for operators, but it's just the way that these things  
9 pan out, especially when we're trying to get primacy from  
10 different agencies that already have federal definitions.  
11 I think that comes into play significantly.

12           So it happens frequently. Unfortunately, it's  
13 not easy to navigate for peop -- for general common people  
14 reading the law. But, generally, if you're looking at it  
15 from a legal standpoint, the definition governing that  
16 program will apply, and -- and may be confusing, but,  
17 unfortunately, that's just --

18           MR. WENDTLAND: And Chairman Gampetro,  
19 Board Member Hines, Board Member Dinsmoor, what I would  
20 suggest, I think this is a very good point, and I think you  
21 raise a -- a definite concern, is between now and our next  
22 meeting regarding these rules, we will take that back and  
23 look at its compatibility with the existing Land Quality  
24 rules.

25           I think to go beyond that to Air Quality or

1 another division that is falling under primacy under EPA or  
2 a different directive is probably I would consider a bit of  
3 a reach. So I would suggest that we just go back and make  
4 sure that they have conformity within the Land Quality  
5 requirements.

6 MR. SCHIERMAN: And we have -- as best we  
7 can, we've tried to do that. You know, a lot of the things  
8 that we're looking at is like Chapter 11 of the Land  
9 Quality regulations that govern in situ recovery, how a lot  
10 of these terms are defined. And if those -- if we can use  
11 those terms -- we've tried to use those terms already. And  
12 so we've kind of modeled it off of those as much as we can.

13 But, like I said, some aspects, we -- it's  
14 definition by definition, or, you know, we have to look at  
15 those individual cases. But we try -- we recognize that's  
16 a potential concern and we've tried to address it as best  
17 we can. But we can go back, what we can do is if you bring  
18 up specific concerns like Kyle was talking about with  
19 construction, we can go back and we'll bring the  
20 justification on why we think it needs to be these items.  
21 And that may be beneficial to the group. So if you have  
22 items that you're concerned with as far as relating across  
23 the board, we can gather more information as to why we  
24 chose to do what we did.

25 CHAIRMAN GAMPETRO: Phil, I would think as



1 long as it's internally consistent with the body of rules  
2 that you're dealing with, that it shouldn't be that  
3 confusing.

4 BOARD MEMBER DINSMOOR: Mr. Chairman, I  
5 asked the question, in part, to get it on the record, that  
6 because there are so many different -- in this particular  
7 case, there are so many different definitions of  
8 construction --

9 CHAIRMAN GAMPETRO: Go ahead.

10 BOARD MEMBER DINSMOOR: -- I wanted to make  
11 sure that it was brought up and discussed. I don't think  
12 that Land Quality Division can be or should be challenged  
13 with -- with making sure that your regulations are  
14 consistent with every regulation in the state of Wyoming.  
15 That's unreasonable. That wasn't the intent of my question  
16 at all.

17 And I appreciate all the work you've done to --  
18 simply to make sure that you're internally consistent  
19 within Land Quality rules; however, let me also say that in  
20 reviewing the Chapter 1 definitions -- I believe it was in  
21 Chapter 1 -- I noticed some things where there was  
22 reference to the department as opposed to the division, and  
23 that might be a source of confusion that you might also  
24 want to look at for that very same reason. And it may be  
25 more appropriate for your rules to reference the division

1 as opposed to the department. But I understand the  
2 difficulty you've got, and don't take my comment as a  
3 negative.

4 MR. SCHIERMAN: No, no, no.

5 MR. WENDTLAND: Chairman Gampetro and Board  
6 Member Dinsmoor, I think that distinction between  
7 department and division, we have discussed that a little  
8 bit, and we probably should vet that internally a little  
9 more between now and the next -- next meeting. We would  
10 concur with that assessment.

11 There are reasons for it to be departmentwide in  
12 some cases, and there are reasons for it to be division  
13 only. But to go back through and verify that those are  
14 accurate would be a useful exercise at this point in time,  
15 and I believe we can commit to doing that.

16 BOARD MEMBER DINSMOOR: Thank you.

17 BOARD MEMBER HINES: Mr. Chairman. I  
18 didn't -- perhaps they're already in, but I was just  
19 thinking of -- and particularly since Mr. Dinsmoor brought  
20 up the different definitions and different divisions, that  
21 somewhere in the instructions to contractors or people  
22 that -- working on a license, that it be pointed out that  
23 if you're in Chapter 3 or 1, or whatever, you make sure you  
24 follow those and what they pertain to and don't take it for  
25 granted because you've done something in Air Quality, that

1 will -- it will be sufficed. You know, this may -- may  
2 lessen some confusion later on from individuals that are  
3 working with it and hopefully not cause any delays.

4 MR. WENDTLAND: Chairman Gampetro, Board  
5 Member Hines, we can certainly look and see if that would  
6 be appropriate to somehow footnote the definitions and  
7 rules sections. Not sure that -- I'm trying to think in my  
8 history -- that that's really been done, but we can  
9 certainly examine that question.

10 MS. LA: And just to add to that. This is  
11 Eva Law from the Attorney General's Office. Fortunately,  
12 that's not a common practice within rules. We can  
13 definitely get to it, like Kyle said; however, there is  
14 kind of the obligation on the operator, who is being  
15 regulated by the set of rules, to obviously talk to their  
16 counsel, or even ask DEQ employees as to, you know,  
17 where -- what are the applicable rules that govern.

18 MR. HULTS: Mr. Chairman. Another avenue  
19 we can address that is through guidance documents that are  
20 developed after the rules are in place. Those kind of  
21 issues, if we see that something comes up again and again,  
22 some kind of confusion, those could be addressed in perhaps  
23 a guideline or some other type of document.

24 Mr. Chairman, I would propose that we will  
25 examine that question and see what the best vehicle would

1 be to address those issues moving forward, and we will have  
2 that for you at the next meeting.

3 CHAIRMAN GAMPETRO: Okay. Thank you.

4 Anything else on this?

5 Where are we? Update on joint DEQ advisory  
6 board.

7 MR. HULTS: That would be me, and I'm Craig  
8 Hults, Land Quality.

9 After talking with Eva and some of the other  
10 attorneys that are involved in that, it sounds like they  
11 don't have a concrete date for the multi-advisory board  
12 meeting. I think there is some discussion about the -- the  
13 procedural and administrative aspects of that, and also  
14 they're still working through the rules. Last indication  
15 we have is it seems to be trending towards the end of the  
16 second quarter now, and I think that would probably be more  
17 realistic, based on some of the discussions I've had and  
18 where they're at in the process for right now. So it  
19 doesn't look like that early second quarter meeting. So  
20 it's kind of a stay tuned as they're working through this.

21 CHAIRMAN GAMPETRO: Scheduling of 2016  
22 advisory board meetings. Are we ready to talk about that?

23 MR. HULTS: I believe so. And I really  
24 don't have any kind of set protocol here. I know we're  
25 looking at trying to do this every six weeks or so.

1                   MR. WENDTLAND: Chairman Gampetro, I would  
2 say that that six-week schedule, bear in mind, that's  
3 following -- we engage in that schedule following this  
4 Administrative Procedures Act tri-board meeting. And,  
5 again, that's why we brought this initial information to  
6 you today, was you've got a little more time in dealing  
7 with that and the APA rules. We're trying to be respective  
8 of the board's time and commitment here.

9                   So, again, we would be looking at engaging in  
10 that following that -- that set of meetings.

11                   CHAIRMAN GAMPETRO: And that's the one on  
12 March -- you're talking about the --

13                   MR. WENDTLAND: March is the EQ --  
14 Chairman, that is -- March is the EQC meeting, March 2nd.  
15 It's the Environmental Quality Council meeting.

16                   CHAIRMAN GAMPETRO: Okay.

17                   MR. WENDTLAND: Then there is this on the  
18 Administrative Procedures Act. That is the -- the board  
19 meeting that will encompass all three of the advisory  
20 boards. That would be in Cheyenne. We've not been given  
21 that date yet, whether it's the end of this quarter or  
22 middle to end of next quarter.

23                   CHAIRMAN GAMPETRO: I thought I heard a  
24 March 9th date earlier.

25                   MR. HULTS: March 2nd was the EQC hearing.

1 BOARD MEMBER MACKER: On the coal?

2 MR. HULTS: Yes. Chapter 14, in the coal  
3 regulations that you guys approved.

4 CHAIRMAN GAMPETRO: Okay. So that's  
5 March 2nd. And now you're saying --

6 MR. WENDTLAND: You'll have an  
7 Administrative Procedures Act meeting that will encompass  
8 all three boards at the same time in Cheyenne sometime at  
9 the tail end of the first quarter of this year or to the  
10 middle, end of second quarter of this year. We have not  
11 proposed another scheduled meeting date on these rules to  
12 move forward right now until April because of that  
13 additional multi-board meeting that has to take place. We  
14 had --

15 CHAIRMAN GAMPETRO: We don't know when  
16 we're doing that yet?

17 MR. WENDTLAND: We have not -- we have  
18 asked on numerous occasions, and we're -- in order to get  
19 all the boards together and all of the things to happen  
20 that need to happen, the public notice that needs to  
21 transpire, all of those administrative things, we have not  
22 gotten a solid date yet. So we're leaving the agenda open  
23 for this board as we possibly can, recognizing that you'll  
24 have a set of rules you have to review for that meeting and  
25 decisions that need to be made at that meeting.

1                   And following that, then we engage in our every  
2 six-week rotation schedule for this board for the purposes  
3 of the NRC rules.

4                   BOARD MEMBER DINSMOOR: Mr. Chair.  
5 Phil Dinsmoor.

6                   Kyle, is the joint advisory board meeting on the  
7 Administrative Procedures Act related to the NRC issues?

8                   MR. WENDTLAND: No, it is not, Board Member  
9 Dinsmoor. It is not.

10                  BOARD MEMBER DINSMOOR: Okay. I  
11 understand.

12                  MR. WENDTLAND: Yeah, thank goodness it is  
13 not.

14                  CHAIRMAN GAMPETRO: And that's the one  
15 that's in Cheyenne?

16                  MR. WENDTLAND: That's correct. Because  
17 they're trying to get all the --

18                  CHAIRMAN GAMPETRO: I suggest you have it  
19 in Buffalo. You can have it whenever you want.

20                  MR. RUTLEDGE: I will make that -- Chairman  
21 Gampetro, I will make that recommendation.

22                  CHAIRMAN GAMPETRO: Make that  
23 recommendation. It's prettier than Cheyenne.

24                  MR. WENDTLAND: No guarantees, but I will  
25 make that recommendation.

1           I think the other question we have is the  
2 scheduling -- Craig, please correct me if I'm wrong here --  
3 but for the April meeting, as a question we had discussed  
4 with the board as well a little bit in advance of this  
5 meeting, was do we want to try and schedule these meetings,  
6 a few of them in Riverton, to accommodate some of the other  
7 board members, and into the better travel months. I guess  
8 I would hedge a little in April, but as far as in July or  
9 following meetings, certainly we would look at if we want  
10 to rotate them from the Casper to Riverton. And if that's  
11 the case, we're -- we're certainly open to that, and we  
12 just need some direction from the board in order to start  
13 making those arrangements.

14           CHAIRMAN GAMPETRO: We've got a Buffalo and  
15 two Gillettes here. Travelwise over the mountain, it's  
16 probably summertime-type stuff. Not that you couldn't have  
17 it in April, but maybe, maybe not. That's when we get our  
18 snow.

19           MR. WENDTLAND: We -- we -- I would concur  
20 with that, Chairman, that we look for the favorable weather  
21 months. But maybe with that in mind, we hold a couple of  
22 consecutive meetings in Riverton to accommodate that --

23           CHAIRMAN GAMPETRO: Sure.

24           MR. WENDTLAND: -- to be accommodating to  
25 all members.



1                   CHAIRMAN GAMPETRO:  Where are the rest of  
2  us, then?

3                   BOARD MEMBER DINSMOOR:  I'm most in favor  
4  of that, yes.  I think we can kind of spread it around.

5                   CHAIRMAN GAMPETRO:  John?

6                   BOARD MEMBER HINES:  Yes.  That's fine with  
7  me.

8                   BOARD MEMBER MACKER:  That works for me.  
9  And then as the westernmost one, I think also happy, once I  
10 see the dates, if I know there's a meeting I wouldn't be  
11 able to attend, or something, to say that so that you don't  
12 plan it there for me and then I'm not there.

13                   And then would also just put out there again, as  
14 much as possible, if there is an option to attend  
15 virtually, because of weather, or I have a one-and-a-half-  
16 year-old, that that could be available as well.  And I can  
17 keep you updated on what I know when I know it.

18                   MR. WENDTLAND:  Board Member -- or Chairman  
19 Gampetro, Board Member Macker, we would agree, and we will  
20 set up to be able to at least call in --

21                   BOARD MEMBER MACKER:  Great.

22                   MR. WENDTLAND:  -- at a minimum.

23                   And recognizing -- we all recognize that, you  
24 know, March and April are not the best travel months.  We  
25 may have some issues with these spring meetings,

1 particularly this year.

2 CHAIRMAN GAMPETRO: If such would occur,  
3 can we, last minute, if it's blizzarding or something, do  
4 it on the phone?

5 MR. WENDTLAND: I'm not sure we would have  
6 to cancel the meeting and reschedule and readvertise.

7 Craig, can you answer that question?

8 MR. HULTS: Yeah. If it was a case where  
9 we wouldn't have a quorum in person, we'd lean towards  
10 rescheduling it at that point, just because of some of the  
11 communication difficulties and recording the business  
12 that's going on at that point. Our public notices that we  
13 put out generally include some kind of language to keep an  
14 eye on things and we'll announce it as we go.

15 We do have some abilities to do that. I know  
16 we've done conference calls and things when we know that's  
17 going to happen, but typically these would work out, I  
18 think, a little bit more in the very last minute and there  
19 would be a lot of scrambling, so I would recommend not  
20 doing it that way.

21 MR. WENDTLAND: Chairman Gampetro, in  
22 consideration that we probably are going to see some public  
23 participation as these rule packages move forward, it would  
24 be my recommendation to the board that if we get to those  
25 type of weather events, we make a decision 48 hours in

1 advance and reschedule. I think the weather forecasting  
2 today is good enough that we know one or two days ahead of  
3 time if we're going to have those issues. And if we are, I  
4 would recommend that we reschedule -- readvertise and  
5 reschedule, just in order to be accommodating to the  
6 public.

7 CHAIRMAN GAMPETRO: What do you say, Board?  
8 Sounds reasonable to me.

9 BOARD MEMBER DINSMOOR: I agree.

10 MR. WENDTLAND: And the example of that  
11 would be last week. I mean, clearly we knew the interstate  
12 was going to be shut down for the majority of the week,  
13 so...

14 CHAIRMAN GAMPETRO: Any other items for  
15 discussion or --

16 MR. HULTS: Just in regards to our next  
17 meeting. We had it tentatively scheduled at the Pronghorn  
18 Room at the Game & Fish. I believe that was -- that  
19 decision was made just because this week is Oil & Gas  
20 Commission meetings. I think our normal oil and gas  
21 building would be open, but we'll have to confirm that, and  
22 I'll send out notice to make sure those dates work.

23 BOARD MEMBER MACKER: Okay. So we don't  
24 have that date yet?

25 MR. HULTS: I don't have it here right in

1 front of me. It was an April meeting, though.

2 MR. WENDTLAND: April 11th was what we had  
3 tentatively.

4 MR. HULTS: Yeah, tentatively second week.

5 MR. WENDTLAND: But if we're going to have  
6 a meeting in Cheyenne, Craig, within a week or -- week and  
7 a half after that, I would say we're -- Chairman Gampetro,  
8 my recommendation right now would be -- I would prefer that  
9 we schedule this next meeting maybe after February, when we  
10 have some input from -- following the legislative session  
11 is kind of wound down, and we have some input or assurity  
12 of when this next -- or when this tri-board meeting in  
13 Cheyenne will take place, and then we will schedule around  
14 that knowing we have administrative timelines we have to --

15 CHAIRMAN GAMPETRO: You're confusing me  
16 now. I thought we were talking about the March 2 meeting.

17 MR. WENDTLAND: That is the -- the March 2  
18 is the Environmental Quality Council. It is not this  
19 board's meeting, Mr. Chairman.

20 BOARD MEMBER HINES: Mr. Chairman, that was  
21 my question. Does this board have anything to do with that  
22 March 2nd hearing?

23 CHAIRMAN GAMPETRO: In the past, I've  
24 attended them. But basically you're an observer before the  
25 quality council.

1                   MR. WENDTLAND: Chairman Gampetro, any of  
2 the board or public is welcome to be there. The decision,  
3 though, is the -- the governing body of the EQC for that  
4 decision.

5                   BOARD MEMBER HINES: Thank you.

6                   MR. WENDTLAND: But I would say that before  
7 we schedule an April meeting, let's see if we get a little  
8 more certainty on this, because the trip to Cheyenne's  
9 going to be a fairly lengthy deal. And my recommendation  
10 would be, if you're going to be in Cheyenne for this  
11 multi-board meeting, if we have specific business for this  
12 board, we hold an additional session and do it all at the  
13 same time, to be respectful of the board's time. That  
14 would be my recommendation.

15                   CHAIRMAN GAMPETRO: If I can get through  
16 Chugwater, that sounds good to me. I always enjoy those  
17 drives down to Cheyenne.

18                   MR. WENDTLAND: They're fast for you  
19 nowadays.

20                   CHAIRMAN GAMPETRO: We got to deal with --

21                   MR. WENDTLAND: Chairman Gampetro.

22                   CHAIRMAN GAMPETRO: So right now we don't  
23 really have another meeting scheduled.

24                   MR. WENDTLAND: Chairman Gampetro, my  
25 recommendation would be that the board tentatively schedule

1 a meeting for April, May, pending when we hear the  
2 tri-board meeting will be held.

3 CHAIRMAN GAMPETRO: At that time, do you  
4 think we could schedule a little further into the future as  
5 well?

6 MR. WENDTLAND: Chairman Gampetro, I think  
7 it would be prudent to schedule further out at that point  
8 in time. I do apologize for the uncertainty on this  
9 gathering all three of these boards for these  
10 administrative procedures rules, but at this time, we just  
11 don't have the information to be able to -- to make that  
12 scheduling commitment.

13 CHAIRMAN GAMPETRO: Are any of you planning  
14 on going to the quality council meeting -- Environmental  
15 Quality Council meeting?

16 BOARD MEMBER DINSMOOR: Probably will,  
17 but --

18 BOARD MEMBER HINES: I doubt it.

19 CHAIRMAN GAMPETRO: Last one I was to was  
20 on cheatgrass and whether we could use it as a cover crop.  
21 Not to be planted, but to be allowed to stay. And they had  
22 to hold onto me (inaudible). But it was an interesting  
23 meeting, if you can get there. Anything else?

24 MR. SCHIERMAN: I just have a quick  
25 question. We talked about the slight changes, the

1 grammatic changes. Do you want us to go ahead and make  
2 those and then send those versions to you guys or the  
3 original versions?

4 CHAIRMAN GAMPETRO: Can you summarize those  
5 for us?

6 MR. SCHIERMAN: Okay. Yeah.

7 CHAIRMAN GAMPETRO: Is that asking too  
8 much, when you get done with it, to summarize it and we  
9 can --

10 MR. WENDTLAND: Chairman Gampetro, what I  
11 would recommend is that we use maybe a strike and mark and  
12 we provide you the -- the updated version with a strike and  
13 mark it in red or blue or -- and that way you know where  
14 those changes are and where they aren't.

15 CHAIRMAN GAMPETRO: Natalia.

16 BOARD MEMBER MACKER: That's fine.

17 CHAIRMAN GAMPETRO: John, is that --

18 MS. LA: Craig, just a question on -- the  
19 versions that went out for public comment are the versions  
20 without the changes, correct?

21 MR. HULTS: That is correct.

22 MS. LA: Okay. So the board would have to  
23 take -- just to clarify, the board would have to take  
24 action on those changes at the next meeting?

25 MR. HULTS: That's correct, yes.

1 BOARD MEMBER MACKER: So (inaudible) red  
2 line, makes sense.

3 MR. HULTS: Yeah.

4 MR. WENDTLAND: Right. And we can provide  
5 copies of that update at -- for the public at that next  
6 meeting as well --

7 CHAIRMAN GAMPETRO: Okay.

8 MR. WENDTLAND: -- with the strike and  
9 mark.

10 CHAIRMAN GAMPETRO: Anything else? Well, I  
11 guess we can entertain a motion to adjourn.

12 BOARD MEMBER MACKER: Natalia Macker. Move  
13 to adjourn.

14 BOARD MEMBER DINSMOOR: Second.

15 CHAIRMAN GAMPETRO: Been moved and  
16 seconded. All those in favor signify by saying aye.

17 BOARD MEMBER MACKER: Aye.

18 BOARD MEMBER DINSMOOR: Aye.

19 BOARD MEMBER HINES: Aye.

20 CHAIRMAN GAMPETRO: Opposed.

21 We are adjourned. And I thank you all very much.

22 MR. WENDTLAND: Thank you.

23 MR. HULTS: Thank you.

24 (Recorded meeting proceedings concluded

25 12:18 p.m., February 9, 2016.)



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C E R T I F I C A T E

I, Kathy J. Kendrick, a Registered Professional Reporter, do hereby certify that I transcribed the foregoing recorded meeting proceedings to the best of my ability.

Dated this 31st day of March, 2016.

  


KATHY J. KENDRICK  
Registered Professional Reporter